

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA

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|----------------------------------|---|--------------------------|
| TAMMY COVINGTON and |) | |
| JEFFREY COVINGTON, |) | |
| |) | |
| Plaintiffs, |) | |
| |) | |
| vs. |) | Case No. 19-cv-00718-PRW |
| |) | |
| CSAA FIRE AND CASUALTY |) | |
| INSURANCE, d/b/a AAA FIRE AND |) | |
| CASUALTY INSURANCE COMPANY, INC. |) | |
| |) | |
| Defendant. |) | |

MOTION FOR LEAVE TO FILE SUPPLEMENT TO MOTION
FOR SUMMARY JUDGMENT AND REQUEST FOR ORDER EXPEDITING
PLAINTIFFS' OBJECTION

Defendant CSAA Fire and Casualty Insurance Company ("CSAA") respectfully requests the Court grant it leave to file a supplement to its Motion for Summary Judgment.

1. CSAA filed the pending Motion for Summary Judgment on March 2, 2020. [Dkt. No. 15]. Plaintiffs responded on March 23, 2020. [Dkt. No. 24]. CSAA filed its Reply on March 30, 2020. [Dkt. No. 30]. Plaintiffs supplemented their Response to the Motion for Summary Judgment on April 1, 2020. [Dkt. No. 32]. As a result, the Motion is ripe for decision.

2. On August 19, 2020, following several extensions of discovery deadlines by the Court, Plaintiffs took the deposition of Alana Hare, a supervisor responsible for approving the second denial of Plaintiffs' claim. During that deposition, Ms. Hare provided testimony directly relevant to the application of the key policy provision at issue and the basis for the denial of Plaintiffs' claim.

3. This information is highly pertinent to this Court's consideration of both the contractual grounds for denial and the reasonable basis for that denial (i.e., Plaintiffs' claims for breach of contract and breach of the duty of good faith and fair dealing).

4. CSAA proposes that it would file the supplement, not to exceed five (5) pages, within two (2) business days of the Court's Order granting the instant Motion, and Plaintiffs would be afforded five (5) business days to submit any response.

5. CSAA has contacted Plaintiffs' counsel who has indicated Plaintiffs object to this request. CSAA would ask the Court to require an expedited response given the pending nature of the Motion for Summary Judgment and the upcoming trial. CSAA would note the Court's prior generosity regarding additional and/or belated filings benefiting Plaintiffs, including Plaintiffs' Supplement to their Response to Defendant's Motion for Summary Judgment. *See e.g.*, Dkt. Nos. 35 & 39.

6. As this is a contested Motion, CSAA is not presently submitting a proposed order; however, it will be glad to do so upon request.

Wherefore, CSAA respectfully requests leave to file a supplement not to exceed five (5) pages within two (2) days of the Order approving this request.

Respectfully submitted,

s/ Matthew C. Kane

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ATTORNEYS FOR DEFENDANT

CERTIFICATE OF SERVICE

I hereby certify that on September 2, 2020, I electronically transmitted the attached document to:

Douglas J. Shelton – dshelton@sheltonlawok.com

s/ Matthew C. Kane

For the Firm